

Notice of Allowability

Application No.

10/712,150

Examiner

Joseph D. Torres

Applicant(s)

MERRITT ET AL.

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2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief Filed 05/15/2006.
2. ☒ The allowed claim(s) is/are 31,32 and 38-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOSEPH TORRES
PRIMARY EXAMINER

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REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

At issue is the interpretation of "a compression circuit" and, in general, the term "circuit". Note: the Authoritative Dictionary of IEEE Standards Terms defines the term "circuit" as an interconnection of electrical elements; hence compression circuits DC1-DC8 in Figure 2 of the Bunker reference are a circuit since they are interconnected electrical elements and compression circuits DC1-DC8 are a compression circuit since they function to compress data, however; the Examiner does recognize that only a judge in a court of law can determine exactly what interpretation and/or definition a particular word in a patent will take on.

In the last two lines of page 12 of the Applicant's disclosure, the Applicant recites, "For example, as disclosed in the Appellants' Specification on page 12, lines 5-12, the memory device cores 110 share a compression circuit 125, thus permitting each of the memory device cores 110 to be tested without duplicating compression logic" [Emphasis Added by Applicant]. The Examiner asserts that even though the compression circuit comprising the compression circuits DC1-DC8 in Figure 2 of the Bunker reference is shared compression logic for Arrays A1-A8 in Figure 2, there is no evidence in the Bunker reference that the compression circuit comprising the compression circuits DC1-DC8 is devoid of **duplicated** compression logic since the internal circuitry for the compression circuit comprising the compression circuits DC1-DC8 in Figure 2 of the Bunker reference is not shown.

Since the Applicant has clarified the record by explicitly stating how the Applicant intends for the term "a compression circuit" to be interpreted and since the applied Prior Art fails to teach internal compression circuitry devoid of **duplicated** compression logic, the Examiner sees no point in further delaying allowance of the case to discuss interpretations and dictionary definitions of the term "circuit" and how such a definition should be applied to the term "a compression circuit" since only a judge in a court of law can determine exactly what interpretation and/or definition a particular word in a patent will take on.

The Examiner's Reasons for Allowance are included for the sole purpose of clarifying the record in order to avoid a lengthy Appeal by advancing prosecution and not to circumvent the position of a judge by determining definitions for various words in the current application recognizing that discussions concerning definitions for various words in the current application may arise again in a court of law in future litigation.

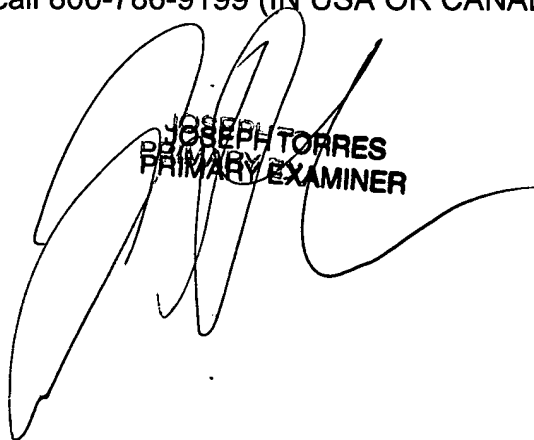
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JOSEPH D. TORRES
PRIMARY EXAMINER

Joseph D. Torres, PhD
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Art Unit 2133